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March 26, 2003

Dockets Management Branch (HFA-305)  
Food and Drug Administration  
5630 Fishers Lane, Rm. 1061  
Rockville, MD 20852

Re: FDA Docket No. 02N-0278, Section 307 (Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness & Response Act of 2002)

Dear Sir or Madam:

We ask that the FDA provide a mechanism within the Final Rule for application for exemptions. We believe that by adding this provision to the Final Rule, FDA will give itself the option to grant exemptions where it is satisfied that there are minimal levels of threat to the US food supply, and enable the agency to focus its resources on areas posing higher levels of risk. A similar provision was made in the Final Rule by US Customs for its 24-Hour Rule requiring prior notice.

The Chilean fresh fruit industry has in place a unique food safety and security program that works in conjunction with the US government, USDA-APHIS, and their own phytosanitary government agency called SAG. It has been in place over 10 years. Evidence of the stringent program was provided to US Customs after which an exemption was granted based on the extensive food safety and security safeguards, official oversight and existing traceback capability, which are all already in place.

Sincerely,

  
Miriam Borja  
Western Industries

C: Barbara Hunter

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